



**Statement in Opposition to SB 1109, requiring mandatory 25-year  
minimum sentence for certain habitual offenders**

**Senate Judiciary Committee**

**May 8, 2012**

CAPPS opposes all mandatory minimums because they rob judges of the discretion to take individual factors into account, undermine the concept of sentencing guidelines and place excessive power in the hands of prosecutors who can decide whether to bargain away the charge that carries the mandatory minimum. If this mandatory penalty were adopted, the application would undoubtedly vary widely from county to county, depending on the charging and bargaining policies of individual prosecutors.

There is also no evidence that mandatory minimums have any deterrent effect. When Michigan eliminated its mandatory minimum drug sentences, it helped bring the prison population down without increasing the number of drug offenses.

This proposal is particularly disturbing for two additional reasons. First, it is a solution in search of a problem. Judges currently have full authority to impose a 25 year minimum sentence or more on fourth offenders when the facts warrant. There is no evidence that judges are failing to impose long sentences when they are appropriate.

Second, the impact on corrections spending would be unconscionable. The current cost estimate of \$34,000/prisoner/year doesn't even account for the extent to which medical costs increase as prisoners age. At a time when the MDOC and appropriations committees are scrambling to find a \$1 million here and \$2 million there to make a dent in the \$2 billion corrections budget, the idea of adding another \$17 million in just five years for no demonstrable gain in public safety is difficult to fathom.